

REMARKS/ARGUMENTS

The Applicant hereby thanks the Examiner for the observations in the outstanding Office Action. Responsive to the Office Action mailed October 29, 2008, the Applicant provides the foregoing amendments, notwithstanding the Applicant's belief that the claims would have been allowable as originally filed. Claims 1-28 are herein amended to better encompass the present invention. The Applicant respectfully asserts that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). By way of the foregoing amendment, the Applicant has made a diligent effort to place the claims in condition for allowance. Further, an Applicant Initiated Interview Request is also herewith submitted. Thus, reconsideration of the Claims in view of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

I. Rejection of Claims 19 and 27 under 35 U.S.C. § 112, first paragraph

Claims 19 and 27 stand rejected, under 35 U.S.C. § 112, first paragraph, on the ground of vagueness. The Applicant respectfully traverses this ground for rejection on this basis. Claims 18, 19, and 27 are herein amended to read as follows, wherein Claim 18 is herein amended to provide sufficient antecedent basis for herein amended Claim 19:

18. The method according to Claim 16, further comprising:
checking for a number of viewers submitting the vote; and
determining a rating value based on a plurality of votes received from the number of viewers.
19. The method according to Claim 18, further comprising comparing the rating value with a predetermined value rating threshold, wherein a segment of the plurality of segments of *the at least one string of content* is selected if the rating value is above the predetermined value rating threshold.
27. The method according to Claim 16, further comprising the steps of:
updating the profile information associated with each segment of the plurality of segments of the *at least one string of content* to reflect the rating value;
checking for a number of viewers submitting the vote;

determining a rating value based on a plurality of votes received from the number of viewers;
comparing the rating value with a predetermined value rating threshold, wherein a segment of the plurality of segments of the *at least one string of content* is selected if the rating value is above the predetermined value rating threshold; and
storing the profile information.

Thus, the Applicant respectfully submits that herein amended Claims 19 and 27 are believed to overcome this ground for rejection. Therefore, the Applicant respectfully requests that the ground for rejection of Claims 19 and 27 on this basis is withdrawn and that Claims 19, and 27 are passed to allowance in due course.

II. Rejection of Claims 1-6 and 8-15 under 35 U.S.C. § 103(a)

Claims 1-6 and 8-15 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900). The Applicant respectfully traverses this ground for rejection on this basis.

With respect to the cited reference, Franken et al. merely discloses a system that rates "rerun programming in other than real time," storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28). Zilliacus merely discloses a method for ranking programming by voting, but does not actually disclose or imply segmenting each item of rerun programming (Fig. 6; Para. 27).

As such, the Applicant respectfully submits that Franken et al., even in view of Zilliacus, does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claims 1 and 15 of the present application:

1. A method of *interactively* displaying and rating at least one string of content, comprising:
receiving *at least one string of content*, the at least one string of content receiving step comprising *streaming the at least one string of content in real-time for viewing while being captured*;
separating each at least one string of content into a plurality of segments having a

corresponding plurality of original in-and-out points;
creating *profile information associated with each segment* of the plurality of segments of each *at least one string of content*;
showing the *at least one string of content* on at least one display device;
receiving a *vote on each segment of the plurality of segments of each at least one string of content*, wherein the *vote reflects the quality of each segment of the plurality of segments of each at least one string of content*, thereby providing a rating value for establishing a *plurality of new in-and-out points*; and
updating the *profile information associated with each segment* of the plurality of segments of each *at least one string of content* to reflect the vote using the rating value.

15. (currently amended) A system for *interactively displaying and rating at least one string of content*, comprising:

means for receiving *at least one string of content*, the *at least one string of content streaming in real-time for viewing while being captured*;

means for separating each *at least one string of content* into a plurality of segments having a *corresponding plurality of original in-and-out points*;

means for creating *profile information associated with each segment* of the plurality of segments of each *at least one string of content*;

means for showing the *at least one content string* on at least one display device;

means for receiving a *vote on each segment of the plurality of segments of at least one string of content*, wherein the *vote reflects the quality of each segment of the plurality of segments of the at least one string of content*, whereby a rating value is provided for establishing a plurality of new in-and-out points; and

means for *updating the profile information associated with each segment* of the plurality of segments of each *at least one string of content* to reflect the vote using the rating value.

Accordingly, Claims 2-6 and 8-14 subsume the foregoing limitations of their respective base claims by dependency.

Thus, the Applicant respectfully submits that Claims 1-6 and 8-15 have not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the ground for rejection of Claims 11-6 and 8-15 on this basis is withdrawn and that Claims 1-6 and 8-15 are passed to allowance in due course.

III. Rejection of Claims 7, 16, 17, 20-26, and 28 under 35 U.S.C. § 103(a)

Claims 7, 16, 17, 20-26, and 28 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), and in further view of Peliotis (US 2002/0065678). The Applicant respectfully traverses this ground for rejection on this basis.

With respect to the cited reference, Franken et al. merely discloses a system that rates “rerun programming in other than real time,” storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually disclose or imply segmenting each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28). Zilliacus merely discloses a method for ranking programming by voting, but also does not segment each item of programming (Fig. 6; Para. 27). Peliotis merely discloses segmenting a video program by generating markers and tags to define each segment, but does not disclose or imply segmenting a video program by determining “new in-and-out points” relative to “original in-and-out points” as a result of voter input within any given segment (Abstract; Fig. 1; Para. 23). Peliotis further discloses that the markers and tags are fed to the filter/comparator along with, but not as a result of, the user preferences (Fig. 2).

As such, the Applicant respectfully submits that Franken et al., even in view of Zilliacus, and even in further view of Peliotis, does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claims 1, 15, 16, 21, and 25 of the present application:

1. A method of *interactively* displaying and rating *at least one string of content*, comprising:
receiving *at least one string of content*, the *at least one string of content* receiving step comprising *streaming the at least one string of content in real-time for viewing while being captured*;
separating *each at least one string of content into a plurality of segments having a corresponding plurality of original in-and-out points*;
creating *profile information associated with each segment* of the plurality of segments of each *at least one string of content*;
showing the *at least one string of content* on at least one display device;
receiving *a vote on each segment of the plurality of segments of each at least one content string*, wherein *the vote reflects the quality of each segment of the plurality of segments of each at least one string of content*, thereby providing a rating value for establishing *a plurality of new in-and-out points*; and
updating the *profile information associated with each segment* of the plurality of segments of each *at least one content string* to reflect the vote using the rating value.
15. (currently amended) A system for *interactively* displaying and rating *at least one string of content*, comprising:
means for receiving *at least one string of content*, the *at least one string of content* *streaming in real-time for viewing while being captured*;
means for separating *each at least one string of content into a plurality of segments having a corresponding plurality of original in-and-out points*;
means for creating *profile information associated with each segment* of the plurality of

segments of each *at least one string of content*;

means for showing the *at least one string of content* on at least one display device;

means for receiving a vote on each segment of the plurality of segments of *at least one string of content*, wherein the vote reflects the quality of each segment of the plurality of segments of the *at least one string of content*, whereby a rating value is provided for establishing a plurality of new in-and-out points; and

means for updating the profile information associated with each segment of the plurality of segments of each *at least one string of content* to reflect the vote using the rating value.

16. A method of interactively displaying and rating *at least one string of content*, comprising the steps of:

identifying *at least one string of content*, the at least one string of content identifying step comprising streaming the *at least one string of content* in real-time for viewing while being captured;

separating the *at least one string of content* into a plurality of segments having a corresponding plurality of original in-and-out points;

creating profile information associated with each segment of the plurality of segments of the *at least one string of content*;

showing the *at least one string of content* to a plurality of viewers;

receiving a vote on each segment of the plurality of segments of the *at least one string of content* from each of the plurality of viewers, wherein the vote reflects the quality of each segment of the plurality of segments of the *at least one string of content*, thereby providing a rating value for establishing a plurality of new in-and-out points;

determining a rating value for each segment of the plurality of segments of the at least one string of content based on the vote for establishing a plurality of new in-and-out points; and

displaying each segment of the plurality of segments of the *at least one string of content* to the plurality of viewers based on the rating value of each segment of the plurality of segments of the *at least one string of content*.

21. A device for interactively displaying and rating *at least one string of content*, comprising:

a content identification module for detecting *at least one string of content* and to separate the *at least one string of content* into a plurality of segments, the *at least one string of content* streaming in real-time for viewing while being captured;

a storage module for storing the *at least one string of content* and a profile information associated with each segment of the plurality of segments of the *at least one string of content*;

an interface module for receiving the *at least one string of content* and transmitting the *at least one string of content* based on the profile information corresponding to each segment of the plurality of segments of the *at least one string of content*; and

a content rating module for receiving a rating value from a viewer for each segment of the plurality of segments of the *at least one string of content*, whereby a rating value is provided for establishing a plurality of new in-and-out points, and for updating the profile information associated with each segment of the plurality of segments of the *at least one string of content*, wherein the rating value reflects the quality of each segment of the plurality of segments of the *at least one string of content*.

25. (currently amended) A computer-readable medium having computer-executable instructions for performing a method comprising:

identifying *at least one string of content*, the *at least one string of content* identifying step comprising streaming the *at least one string of content* in real-time for viewing while being captured;

separating the *at least one string of content* into a plurality of segments having a corresponding plurality of original in-and-out points;

creating profile information associated with each segment of the plurality of segments of the *at least one string of content*;

showing the *at least one string of content* to a plurality of viewers;
receiving a *vote on each segment* of the plurality of segments of the *at least one string of content* from each of the plurality of viewers, wherein *the vote reflects the quality of each segment* of the plurality of segments of the *at least one string of content*, thereby *providing a rating value for establishing a plurality of new in-and-out points*;
determining a *rating value for each segment* of the plurality of segments of the *at least one string of content based on the vote for establishing a plurality of new in-and-out points*; and
displaying each segment of the plurality of segments of the *at least one string of content* to the plurality of viewers *based on the rating value of each segment* of the plurality of segments of the *at least one string of content*.

Accordingly, Claims 7, 17, 20, 22-24, 26, and 28 subsume the foregoing limitations of their respective base claims by dependency.

Thus, the Applicant respectfully submits that Claims 7, 16, 17, 20-26, and 28 have not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the ground for rejection of Claims 7, 16, 17, 20-26, and 28 on this basis is withdrawn and that Claims 7, 16, 17, 20-26, and 28 are passed to allowance in due course.

IV. Rejection of Claim 18 under 35 U.S.C. § 103(a)

Claims 7, 16, 17, 20-26, and 28 stand rejected, under 35 U.S.C. § 103(a), as being unpatentable over Franken et al. (US 7028323), in view of Zilliacus (US 2004/0005900), and in further view of Lautzenheiser et al. (US 7054827). The Applicant respectfully traverses this ground for rejection on this basis.

With respect to the cited references, Franken et al. merely discloses a system that rates “rerun programming in other than real time,” storing the rerun programming in separate smaller files for delivery in its entirety to the viewer, but does not actually segment each item of rerun programming (Abstract; col. 4, ll. 16-30; col. 5, ll. 20-28). Zilliacus merely discloses a method for ranking programming by voting, but also does not segment each item of programming (Fig. 6; Para. 27). Lautzenheiser et al. merely discloses a method and apparatus for validating a survey database, but does not disclose or imply segmenting a video program by determining

“new in-and-out points” relative to “original in-and-out points” as a result of voter input within any given segment (Abstract; Figs. 41-46; Figs. 49-55; col. 29, l. 51 – col. 31, l. 7; col. 32, l. 61 – col. 34, l. 50).

As such, the Applicant respectfully submits that Franken et al., even in view of Zilliacus, and even in further view of Lautzenheiser, does not teach, suggest, motivate, or otherwise obviate the combination of elements and limitations as respectively recited in herein amended independent Claim 16 and dependent Claim 18 of the present application:

16. A method of interactively displaying and rating *at least one string of content*, comprising the steps of:
- identifying *at least one string of content*, the *at least one string of content* identifying step comprising *streaming the at least one string of content in real-time for viewing while being captured*;
 - separating the at least one string of content into a plurality of segments having a corresponding plurality of original in-and-out points*;
 - creating profile information associated with each segment of the plurality of segments of the at least one string of content*;
 - showing the *at least one string of content* to a plurality of viewers;
 - receiving a vote on each segment of the plurality of segments of the *at least one string of content* from each of the plurality of viewers, wherein *the vote reflects the quality of each segment of the plurality of segments of the at least one string of content*, thereby providing a rating value for establishing a plurality of new in-and-out points;
 - determining a rating value for each segment of the plurality of segments of the *at least one string of content* based on the vote for establishing a plurality of new in-and-out points; and
 - displaying each segment of the plurality of segments of the at least one string of content to the plurality of viewers based on the rating value of each segment of the plurality of segments of the at least one string of content*.
18. The method according to Claim 16, further comprising:
- checking for a number of viewers submitting the vote; and
 - determining a rating value based on a plurality of votes received from the number of viewers.

Accordingly, Claim 18 subsumes the foregoing limitations of Claim 16 by dependency.

Thus, the Applicant respectfully submits that Claim 18 has not been taught, suggested, motivated, or obviated in any other manner by the cited art. Therefore, the Applicant respectfully requests that the ground for rejection of Claim 18 on this basis is withdrawn and that Claim 18 is passed to allowance in due course.

CONCLUSION

Accordingly, Claims 1-28 have been herein amended to better encompass the present invention. The Applicant respectfully reasserts that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). By way of the foregoing amendment, the Applicant believes that the Claims are in condition for allowance and are, alternatively, in condition for appeal. Thus, reconsideration of the Claims in view of the foregoing amendment and remarks is respectfully requested. However, should any remaining issues be outstanding, the Applicant respectfully reiterates the invitation to telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible. In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 06-1135 accordingly.

Respectfully submitted,

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